RECORD
AND
BRIEFS

Supreme Court, U.S.
FILED
JAN 10 2014
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 13-356

In the Supreme Court of the United States

CONESTOGA WOOD SPECIALTIES CORP., et al.,
Petitioners,

v.

KATHLEEN SEBELIUS, et al.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit

JOINT APPENDIX

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Petition for Writ of Certiorari filed September 19, 2013
Petition for Writ of Certiorari granted November 26, 2013

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APPENDIX TABLE OF CONTENTS

A. Docket Entries from the United States Court of Appeals for the Third Circuit 1

B. Docket Entries from the U.S. District Court for the Eastern District of Pennsylvania 16

C. Excerpts from the Incorporation Statutes of All Fifty States and the District of Columbia 27

D. A Compilation of Federal Statutes Providing Funding for Family Planning 42

E. Excerpts from the Institute of Medicine's Report Entitled *Clinical Preventive Services for Women: Closing the Gaps* 44

F. Conestoga Wood Specialties Corp.'s Consent to Use of Similar Name 70

G. Conestoga Wood Specialties Corp.'s Incorporation Documents 72

H. Conestoga Wood Specialties Corp.'s Vision and Values Statements 94

I. The Hahn Family Position Statement on the Sanctity of Life 100

J. Conestoga Wood Specialties Corp.'s Healthcare Plan Documents 101

DOCKET ENTRIES FROM THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

DOCKET 13-1144

CONESTOGA WOOD SPECIALTIES, ET AL.

v.

KATHLEEN SEBELIUS, ET AL.

DOCKET ENTRIES

DATE	PROCEEDINGS
01/17/2013	CIVIL CASE DOCKETED. Notice filed by Appellants Conestoga Wood Specialties Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn in District Court No. 5-12-cv-06744. * * * * * * * * ECF FILER: Expedited Motion filed by Appellants Conestoga Wood Specialities Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn for Injunction Pending Appeal. * * * * * * * *
01/28/2013	ECF FILER: Response filed by

DATE	PROCEEDINGS
	Appellees Secretary United States Department of Health and Human Services, Secretary United States Department of Labor, Secretary United States Department of the Treasury, HHS, LABR and United States Department of the Treasury to Motion for Injunction, Motion to Expedite. * * * *
01/29/2013	ECF FILER: Reply by Appellants Conestoga Wood Specialities Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to Response Response , filed. * * * *
	* * * *
01/31/2013	ECF FILER: Letter dated 01/31/2013 from counsel for Appellants submitting citation of supplemental authority. (CWP)
	* * * *
02/01/2013	ECF FILER: Letter dated 02/01/2013 from counsel for Appellants submitting citation of supplemental authority, filed * * * *
02/07/2013	ORDER (RENDELL, JORDAN and GARTH, Circuit Judges) denying request for extraordinary relief, filed. Panel No.: CCO-046-E. Marjorie O. Rendell, Authoring Judge. GARTH, Circuit Judge, Concurring: I am

DATE	PROCEEDINGS
	confident that Conestoga's appeal will not succeed, and I-as does Judge Rendell-therefore deny their expedited motion for an injunction pending appeal. JORDAN, Circuit Judge, Dissenting: I therefore respectfully dissent from the order denying the expedited motion for an injunction pending appeal. (MB)
	* * * *
02/19/2013	ECF FILER: Motion filed by Appellants Conestoga Wood Specialities Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to Expedite consideration. * * * *
02/20/2013	ECF FILER: Amended Motion filed by Appellants Conestoga Wood Specialities Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to Expedite consideration. * * * *
	* * * *
03/05/2013	ORDER (CHAGARES, Circuit Judges) Unopposed Motion for an Expedited Briefing Schedule is granted. The Clerk shall list this case at the earliest convenience of the Court, filed. * * * *
03/15/2013	ECF FILER: ELECTRONIC BRIEF with Volume I of Appendix attached on

DATE	PROCEEDINGS
	behalf of Appellants Conestoga Wood Specialities Corporation, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn, filed. ****
	****
03/21/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus Curiae Liberty Life and Law Foundation in support of Appellant/Petitioner, filed. ****
	****
03/21/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amici Curiae Daniel R. Coats, Orrin G. Hatch, James M. Inhofe, Mitch McConnell, Rob Portman and Pat Roberts in support of Appellant/Petitioner, filed. ****
	****
03/21/2013	Calendared for Thursday, 05/30/2013. (CMH)
	****
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus Curiae United States Justice Foundation in support of Appellant/Petitioner, filed. ****
	****

DATE	PROCEEDINGS
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amici Assoc of American Physicians & Surgeons, American Assoc of Pro-Life Obstetricians & Gynecologists, Christian Medical Assoc, Catholic Medical Assoc, Physicians for Life, National Catholic Bioethics Center, and National Assoc of Pro Life Nurses in support of Appellant/Petitioner, filed. ****
	****
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus New Jersey Family Policy Council in support of Appellant/Petitioner, filed. ****
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Breast Cancer Prevention Institute; Polycarp Research Institute; Coalition on Abortion/Breast Cancer in support of Appellant/Petitioner, filed. ****
	****
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus Bart Stupak and Democrats for Life of America in support of Appellant/Petitioner, filed. * ***

DATE	PROCEEDINGS
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amici Curiae Association of Christian Schools, Association of Gospel Rescue Missions, C12 Group, Christian Legal Society, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Institutional Religious Freedom Alliance, National Association of Evangelicals, Patrick Henry College and Prison Fellowship Ministries in support of Appellant/Petitioner, filed. ****
03/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amici Bradley P. Jacob, The Texas Center for Defense of Life, and The National Legal Foundation in support of Appellant/Petitioner, filed. ****
	****
03/25/2013	ECF FILER: ELECTRONIC JOINT APPENDIX on behalf of Appellants Conestoga Wood Specialities Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn, filed. ****
	****
03/27/2013	ECF FILER: ELECTRONIC ADDENDUM to BRIEF on behalf of

DATE	PROCEEDINGS
	Amicus Appellants Democrats for Life of America and Bart Stupak containing Certificate of Bar Membership, filed. * * * *
	* * * *
03/28/2013	ECF FILER: ELECTRONIC ADDENDUM to APPENDIX on behalf of Appellants Conestoga Wood Specialities Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn , filed. * * * *
	* * * *
04/15/2013	ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Secretary United States Department of Health and Human Services, Secretary United States Department of Labor, Secretary United States Department of the Treasury, HHS, LABR and United States Department of the Treasury, filed. * * * *
	* * * *
04/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Center for Reproductive Rights, Am. Public Health Ass'n, Guttmacher Inst., Nat'l Family Planning & Reproductive Health Ass'n, Nat'l Latina Inst. for Reproductive Health, Nat'l Women's Health Network,

DATE	PROCEEDINGS
	Prof. R. Alta Charo, Reproductive Health Techs. Project in support of Appellee/Respondent, filed. ****
	****
04/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Physicians for Reproductive Health, American College of Obstetricians and Gynecologists, American Society for Emergency Contraception, Association of Reproductive Health Professionals, American Society for Reproductive Medicine ET AL in support of Appellee/Respondent, filed. ****
	****
04/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of National Health Law Program, Mexican American Legal Defense and Educational Fund, Asian Pacific American Legal Center, Black Womens Health Imperative, Forward Together, National Hispanic Medical Association, Ipas, SIECUS, Campaign to End AIDS, et al. in support of Appellee/Respondent, filed. ****
	****
04/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on

DATE	PROCEEDINGS
	behalf of Amicus National Women's Law Center; AAUW; Ibis Reproductive Health; Merger Watch; NARAL Pro-Choice America; National Organization for Women Foundation; Planned Parenthood Association of the Mercer Area, Inc., et al. in support of Appellee/Respondent, filed. ****
	****
04/22/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus American Civil Liberties Union; American Civil Liberties Union of Pennsylvania; The Anti-Defamation League; Catholics for Choice; Hadassah, The Women's Zionist Organization of America, Inc.; The Interfaith Alliance Foundation; et al. in support of Appellee/Respondent, filed. ****
	****
04/23/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Americans United for Separation of Church and State, Central Conference of American Rabbis, Hindu American Foundation, Union for Reform Judaism, Women of Reform Judaism in support of Appellee/Respondent, filed. ****
	****

DATE	PROCEEDINGS
04/23/2013	ECF FILER: ELECTRONIC AMICUS/INTERVENOR BRIEF on behalf of Amicus Appellee Lambda Legal Defense & Education Fund Inc to file Amicus Brief in support of Appellees, filed. ****
	****
04/24/2013	ECF FILER: Motion filed by Amicus Appellee Lambda Legal Defense & Education Fund Inc to file Amicus Brief out of time. ****
	****
04/24/2013	ECF FILER: ELECTRONIC ADDENDUM to BRIEF on behalf of Amicus Appellee Lambda Legal Defense & Education Fund Inc containing Certifications of Bar Admission, filed. ****
	****
04/30/2013	ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellants Conestoga Wood Specialities Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn, filed. ****
05/02/2013	ORDER (JORDAN, VANASKIE and COWEN, Circuit Judges) granting Motion by Amicus Appellee Lambda Legal Defense & Education Fund Inc to

DATE	PROCEEDINGS
	File Amicus Brief out of Time, filed. Kent A. Jordan, Authoring Judge. (MS)
	* * * *
05/30/2013	ARGUED on Thursday, May 30, 2013. Panel: JORDAN, VANASKIE and COWEN, Circuit Judges. Alisa B. Klein arguing for Appellees Secretary United States Department of Health and Human Services, Secretary United States Department of Labor, Secretary United States Department of the Treasury, United States Department of Health and Human Services, United States Department of Labor; Charles W. Proctor, III arguing for Appellants Conestoga Wood Specialities Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn. (CMH)
06/20/2013	ECF FILER: Letter dated 06/20/2013 , filed pursuant to Rule 28(j) from counsel for Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn. * * * *
06/25/2013	ECF FILER: Response filed by Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to Rule 28(j) letter. * * * *
06/28/2013	ECF FILER: Response filed by

DATE	PROCEEDINGS
	Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to Rule 28(j) letter. ****
07/02/2013	ECF FILER: Letter dated 07/02/2013 , filed pursuant to Rule 28(j) from counsel for Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn. ****
07/02/2013	ECF FILER: Response filed by Appellees Secretary United States Department of Health and Human Services, Secretary United States Department of Labor, Secretary United States Department of the Treasury, HHS, LABR and United States Department of the Treasury to Rule 28(j) letter. ****
07/15/2013	ECF FILER: Letter dated 07/15/2013 , filed pursuant to Rule 28(j) from counsel for Appellees Secretary United States Department of Health and Human Services, Secretary United States Department of Labor, Secretary United States Department of the Treasury, HHS, LABR and United States Department of the Treasury. ****
07/26/2013	PRECEDENTIAL OPINION Coram:

DATE	PROCEEDINGS
	JORDAN, VANASKIE and COWEN, Circuit Judges. Total Pages: 96. Judge: COWEN Authoring, Judge: JORDAN Dissenting. (PDB)
07/26/2013	JUDGMENT, Affirmed. All of the above in accordance with the opinion of this Court. Costs taxed against Appellants. (PDB)
	* * * *
07/31/2013	ECF FILER: Petition filed by Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn for Rehearing before original panel and the court en banc. * * * *
08/14/2013	ORDER (MCKEE, Chief Judge, RENDELL, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, GREENAWAY JR., VANASKIE, SHWARTZ and COWEN*, Circuit Judges) The petition for rehearing filed by Appellants having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular

DATE	PROCEEDINGS
	service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied. Judge Jordan would have granted rehearing en banc for the reasons set forth in his dissenting Opinion. Judge Ambro, Judge Smith, Judge Fisher and Judge Hardiman would also have granted rehearing en banc, filed. Cowen, Authoring Judge. *Limited to Panel Rehearing Only (TMM)
08/20/2013	ECF FILER: UNOPPOSED Motion filed by Appellants Conestoga Wood Specialties Corp, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn, Norman Hahn and Norman Lemar Hahn to stay mandate. ****
08/20/2013	ORDER (JORDAN, VANASKIE and COWEN, Circuit Judges) Motion by Appellants Conestoga Wood Specialties Corp, Norman Hahn, Anthony H. Hahn, Elizabeth Hahn, Kevin Hahn and Norman Lemar Hahnto Stay the Mandate is denied. Judge Jordan would have granted the motion to stay the mandate, filed. Cowen, Authoring Judge. (TMM)
08/22/2013	MANDATE ISSUED, filed. (TMM)
09/20/2013	NOTICE from U.S. Supreme Court. Petition for Writ of Certiorari filed by Conestoga Wood Specialties Corp on

DATE	PROCEEDINGS
	09/19/2013 and placed on the Supreme Court docket on 09/19/13. Supreme Court Case No. 13- 356. (CRG)
11/26/2013	NOTICE of U.S. Supreme Court disposition at No. 13-356. Petition for Writ of Certiorari filed by Conestoga Wood Specialties Corp granted on 11/26/2013. (LML)

DOCKET ENTRIES FROM THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSLYVANIA (ALLENTOWN)

CIVIL DOCKET FOR CASE #: 5:12-CV-06744-MSG

CONESTOGA WOOD SPECIALITIES CORPORATION, ET AL.

v.

KATHLEEN SEBELIUS, ET AL.

Date	#	Docket Text
12/04/2012	1	COMPLAINT against All Defendants * * * *, filed by NORMAN LEMAR HAHN, CONESTOGA WOOD SPECIALITIES CORPORATION, NORMAN HAHN, ANTHONY H. HAHN. * * * *
		* * * *
12/04/2012	4	ORDER THAT A TELEPHONE CONFERENCE IS SCHEDULED FOR WEDNESDAY, DECEMBER 5, 2012 AT 10:00 AM TO ASSESS THE IMMEDIACY OF THE ALLEGED HARM. COUNSEL FOR PLAINTIFFS SHALL INITIATE THE CONFERENCE

Date	#	Docket Text
		CALL PRIOR TO CALLING CHAMBERS. SIGNED BY HONORABLE MITCHELL S. GOLDBERG ON 12/4/12. 12/5/12 ENTERED AND COPIES MAILED TO UNREP AND EMAILED * * * *
		* * * *
12/07/2012	7	MOTION for Preliminary Injunction filed by CONESTOGA WOOD SPECIALITIES CORPORATION. * * * *
		* * * *
12/08/2012	15	BRIEF in Support of MOTION for Preliminary Injunction filed by CONESTOGA WOOD SPECIALITIES CORPORATION, Certificates of Service. * * * *
12/11/2012	16	Minute Entry for proceedings held before HONORABLE MITCHELL S. GOLDBERG: Telephone Conference held on 12/10/12 (ti,) (Entered: 12/11/2012)
		* * * *
12/14/2012	27	NOTICE: AND NOW, THIS 14TH DAY OF DECEMBER, 2012, A TELEPHONE CONFERENCE REGARDING PLAINTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION IS

Date	#	Docket Text
		SCHEDULED FOR 3:00 P.M., TUESDAY, DECEMBER 18, 2012. COUNSEL FOR PLAINTIFFS SHALL INITIATE THE CONFERENCE CALL PRIOR TO CALLING CHAMBERS. (CJL) (Entered: 12/14/2012)
12/18/2012	28	NOTICE by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re 7 MOTION for Preliminary Injunction *(Supplemental Authority)* (Attachments: # 1 Exhibit : Korte Decision) (BENNETT, MICHELLE) * * * *
12/19/2012	29	Minute Entry for proceedings held before HONORABLE MITCHELL S. GOLDBERG: Telephone Conference held on 12/18/12 * * * *
12/19/2012	30	RESPONSE in Opposition re 7 MOTION for Preliminary Injunction filed by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN

Date	#	Docket Text
		SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # 1 Exhibit 1) (BENNETT, MICHELLE) * * * *
12/20/2012	31	MOTION to File Amicus Brief filed by THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION, THE AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA. * * * *
		* * * *
12/20/2012	33	NOTICE by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re 7 MOTION for Preliminary Injunction *(Second Notice of Supplemental Authority).* Certificate of Service. (Attachments: # 1 10th Circuit Order in Hobby Lobby) * * * *
12/27/2012	34	NOTICE by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS,

Date	#	Docket Text
		UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re 7 MOTION for Preliminary Injunction *(Third Notice of Supplemental Authority)* (Attachments: # 1 Autocam Decision, # 2 Grote Decision, # 3 Yeps Decision, # 4 American Pulverizer Decision) * * * *
12/28/2012	35	ORDER THAT DEFENDANTS ARE TEMPORARILY RESTRAINED FROM ENFORCING THE WOMEN'S PREVENTATIVE HEALTHCARE REGULATIONS REGARDING ABORTIFACIENT CONTRACEPTION AND COUNSELING, ENACTED PURSUANT TO 42 U.S.C. 30gg-13(a)(4) AND 77 F.R. 8725-01 (FEB. 15, 2012), AGAINST PLAINTIFFS, THEIR GROUP HEALTH PLAN AND THE GROUP HEALTH INSURANCE COVERAGE PROVIDED IN CONNECTION WITH THAT PLAN, FOR A PERIOD OF FOURTEEN (14) DAYS. IT IS

Date	#	Docket Text
		FURTHER ORDERED THAT AN EVIDENTIARY HEARING AND ORAL ARGUMENT ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION 7 WILL BE HELD ON 1/4/2013 AT 10:00 AM IN COURTROOM 4B. SIGNED BY HONORABLE BERLE M. SCHILLER ON 12/28/12. 12/28/12 ENTERED AND COPIES E-MAILED. * * * *
12/31/2012	36	NOTICE by CONESTOGA WOOD SPECIALITIES CORPORATION, ANTHONY H. HAHN, NORMAN HAHN, NORMAN LEMAR HAHN *Notice of Supplemental Authority* (Attachments: # 1 Exhibit Korte order, # 2 Exhibit Autocam decision, # 3 Exhibit Hobby Lobby writ) * * * *
		* * * *
01/02/2013	38	AMICUS CURIAE BRIEF OF THE AMERICAN CIVIL LIBERTIES UNION AND THE AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION. * * * *
		* * * *
01/03/2013	40	NOTICE by TIMOTHY

Date	#	Docket Text
		GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re 7 MOTION for Preliminary Injunction *(Fourth Notice of Supplemental Authority)* (Attachments: # 1 Autocam Order (on reconsideration), # 2 Sharpe Holdings Decision, # 3 Domino's Farms Decision) * * * *
01/07/2013	41	Minute Entry for proceedings held before HONORABLE MITCHELL S. GOLDBERG: Oral Argument held on 1/4/2013. Court Reporter: STEPHEN SONNIE. * * * *
01/07/2013	42	TRANSCRIPT of Proceedings held on 12/18/12 before Judge Mitchell S. Goldberg. Court Reporter: Stephen Sonnie. * * * *
01/07/2013	43	TRANSCRIPT of Proceedings held on 1/4/13 before Judge Mitchell S. Goldberg. Court Reporter: Stephen Sonnie. * * * *
01/08/2013	44	EXHIBITS to MOTION 7 for Preliminary Injunction by CONESTOGA WOOD

Date	#	Docket Text
		SPECIALITIES CORPORATION. * * * *
		* * * *
01/10/2013	47	NOTICE by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY re 7 MOTION for Preliminary Injunction *(Fifth Notice of Supplemental Authority)* (Attachments: # 1 Annex Medical Decision, # 2 Grote Denial of Motion for Reconsideration, # 3 Triune Health Group Decision) * * * *
01/11/2013	48	FIRST AMENDED VERIFIED COMPLAINT with Jury Demand and Certificate of Service against TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY, filed by NORMAN

Date	#	Docket Text
		LEMAR HAHN, CONESTOGA WOOD SPECIALITIES CORPORATION, NORMAN HAHN, ANTHONY H. HAHN, ELIZABETH HAHN, KEVIN HAHN. * * * *
01/11/2013	49	MEMORANDUM AND/OR OPINION SIGNED BY HONORABLE MITCHELL S. GOLDBERG ON 1/11/13. * * * *
01/11/2013	50	ORDER THAT UPON CONSIDERATION OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION 7 , THE RESPONSE THERETO, AND THE AMICUS CURIAE BRIEF FILED BY THE AMERICAN CIVIL LIBERTIES UNION AND AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA IN OPPOSITION TO PLAINTIFFS' MOTION 38 , AND FOR THE REASONS STATED IN THIS COURT'S ACCOMPANYING MEMORANDUM OPINION, IT IS HEREBY ORDERED THAT PLAINTIFFS' MOTION IS DENIED. SIGNED BY HONORABLE MITCHELL S. GOLDBERG ON 1/11/13. * * * *
01/14/2013	51	Minute Entry for proceedings held

Date	#	Docket Text
		before HONORABLE MITCHELL S. GOLDBERG: Telephone Status Conference held on 1/14/13.
01/14/2013	52	NOTICE OF APPEAL as to 50 Order (Memorandum and/or Opinion), by CONESTOGA WOOD SPECIALITIES CORPORATION, ANTHONY H. HAHN, ELIZABETH HAHN, KEVIN HAHN, NORMAN HAHN, NORMAN LEMAR HAHN. * * * * * * * *
01/15/2013	54	Joint MOTION to Stay *District Court Proceedings Pending Appeal* filed by TIMOTHY GEITHNER, KATHLEEN SEBELIUS, HILDA SOLIS, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF LABOR, UNITED STATES DEPARTMENT OF THE TREASURY. * * * *
01/16/2013	55	ORDER THAT UPON CONSIDERATION OF THE JOINT MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING APPEAL 54, IT IS HEREBY ORDERED THAT THE MOTION IS GRANTED. IT IS FURTHER

Date	#	Docket Text
		ORDERED THAT THE CLERK OF COURT MARK THIS ACTION CLOSED FOR STATISTICAL PURPOSES AND PLACE THE MATTER IN THE CIVIL SUSPENSE FILE. * * * *
		* * * *
02/08/2013	56	OPINION/ORDER of USCA as to 52 re Expedited Motion for Injunction, etc. * * * *
08/14/2013	57	MANDATE of USCA as to 52 that it is ORDERED and ADJUDGED by this Court that the judgment of the District Court entered on January 11, 2013, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court. Costs taxed against Appellants. * * * *
08/20/2013	58	ORDER of USCA as to 52 The foregoing motion is denied. Judge Jordan would have granted the motion to stay the mandate. * * * *
08/22/2013	59	MANDATE of USCA as to 52 that the judgment of the District Court entered on 1/11/2013, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court. Costs taxed against Appellants. * * * *

EXCERPTS FROM THE INCORPORATION STATUTES OF ALL FIFTY STATES AND THE DISTRICT OF COLUMBIA

Alabama: ALA. CODE § 10-2B-3.02 ("[E]very corporation has perpetual durations and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Alaska: ALASKA STAT. § 10.06.010 ("Subject to the limitations in its articles of incorporation, the provisions of this chapter and other applicable law, a corporation has all the powers of a natural person in carrying out its business activities....").

Arizona: ARIZ. REV. STAT. § 10-302 ("Unless its articles of incorporation provide otherwise, every corporation ... has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Arkansas: ARK. CODE § 4-27-301 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is specifically set forth in the articles of incorporation."); *id.* § 4-27-302 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

California: CAL. CORP. CODE § 202(b)(A) ("The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of

California....").

Colorado: COLO. REV. STAT. § 7-103-101 ("Every corporation incorporated under articles 101 to 117 of this title has the purpose of engaging in any lawful business unless a more limited purpose is stated in the articles of incorporation."); *id.* § 7-103-102 ("Unless otherwise provided in the articles of incorporation, every corporation has perpetual duration and succession in its domestic entity name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Connecticut: CONN. GEN. STAT. § 33-645 ("Every corporation incorporated under sections 33-600 to 33-998, inclusive, has the purpose of engaging in any lawful business except that of a bank and trust company, savings bank or savings and loan association, unless a more limited purpose is set forth in the certificate of incorporation."); *id.* § 33-647 ("Unless its certificate of incorporation provides otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affair....").

Delaware: DEL. CODE tit. 8, § 121 ("[E]very corporation, its officers, directors and stockholders shall possess and may exercise all the powers and privileges granted by this chapter or by any other law or by its certificate of incorporation, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to

the conduct, promotion or attainment of the business or purposes set forth in its certificate of incorporation."); *id.* § 122 ("Every corporation created under this chapter shall have the power to ... [t]ransact any lawful business which the corporation's board of directors shall find to be in aid of governmental authority.").

District of Columbia: D.C. CODE § 29-303.01 ("Every corporation incorporated under this chapter shall have the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 29-303.02 (granting a corporation, "[u]nless its articles of incorporation provide otherwise," "the same powers as an individual to do all things necessary or convenient to carry out its activities and affairs").

Florida: FLA. STAT. § 607.0301 ("Corporations may be organized under this act for any lawful purpose or purposes, and the provisions of this act extend to all corporations, whether chartered by special acts or general laws, except that special statutes for the regulation and control of types of business and corporations shall control when in conflict herewith."); *id.* § 607.0302 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Georgia: GA. CODE § 14-2-302 ("Every corporation has perpetual duration and succession in its corporate name, unless its articles of incorporation

adopted on or after April 1, 1969, or an amendment thereto adopted on or after April 1, 1969, provides otherwise. Unless its articles of incorporation provide otherwise, every corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs...."); *id.* § 14-2-302 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation.").

Hawaii: HAW. REV. STAT § 414-41 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 414-42 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Idaho: IDAHO CODE § 30-1-302 ("[E]very corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Illinois: 805 ILL. COMP. STAT. 5/3.05 ("Corporations for profit may be organized under this Act for any lawful purpose or purposes, except for the purpose of banking or insurance...."); 805 ILL. COMP. STAT. 5/3.10(r) ("To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed.").

Indiana: IND. CODE § 23-1-22-1 ("Every corporation incorporated under this article has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *Id.* § 23-1-22-1 ("2. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Iowa: IOWA CODE § 490.301 ("A corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 490.302 (granting a corporation, "[u]nless its articles of incorporation provide otherwise," "the same powers as an individual to do all things necessary or convenient to carry out its business and affairs").

Kansas: KAN. STAT. § 17-6101 ("In addition to the powers enumerated in K.S.A. 17-6102, every corporation, its officers, directors, and stockholders shall possess and may exercise all the powers and privileges granted by this act or by any other law or by its articles of incorporation, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purposes set forth in its articles of incorporation."); *id.* § 17-6102 (conferring power to "[t]ransact any lawful business which the corporation's board of directors shall find to be in aid of governmental authority").

Kentucky: KY. REV. STAT. § 271B.3-020 ("Unless its articles of incorporation provide otherwise, every corporation shall have perpetual duration and succession in its corporate name and shall have the same powers as an individual to do all things necessary or convenient to carry out its business and affairs."); *id.* § 271B.3-010 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business....").

Louisiana: LA. REV. STAT. § 12:22 ("A corporation may be formed for any lawful business purposes, except banking and insurance underwriting in all of their several forms...."); *id.* § 12:41 ("A corporation shall have the power to perform any acts which are necessary or proper to accomplish its purposes as expressed or implied in the articles, or which may be incidental thereto and which are not repugnant to law.").

Maine: ME. REV. STAT. tit. 13-C § 301 ("A corporation subject to this Act has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 302 ("Unless its articles of incorporation provide otherwise, a corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Maryland: MD. CODE, CORPS. & ASS'NS § 2-101 ("Except as otherwise expressly provided by law, a corporation may be formed under this title for any lawful purposes."); *id.* § 2-103 (conferring, in

addition to enumerated powers, the power to "[d]o every other act not inconsistent with law which is appropriate to promote and attain the purposes set forth in its charter.").

Massachusetts: MASS. GEN. LAWS § 156-6 ("Three or more persons may associate themselves by written agreement of association with the intention of forming a corporation under general laws for any lawful purpose not excluded by section two.").

Michigan: MICH. COMP. LAWS § 450.1202 ("[T]he corporation may engage in any activity within the purposes for which corporations may be formed under the business corporation act, and all activities shall by the statement be considered within the purposes of the corporation, subject to expressed limitations.").

Minnesota: MINN. STAT. § 302A.101 ("A corporation may be incorporated under this chapter for any business purpose or purposes, unless some other statute of this state requires incorporation for any of those purposes under a different law. Unless otherwise provided in its articles, a corporation has general business purposes."); *id.* § 302A.161 (In addition to enumerated powers, "[a] corporation may have and exercise all other powers necessary or convenient to effect any or all of the business purposes for which the corporation is incorporated.").

Mississippi: MISS. CODE. § 79-4-3.01 ("Every corporation incorporated under Sections 79-4-1.01 et seq. has the purpose of engaging in any lawful business unless a more limited purpose is set forth

in the articles of incorporation."); *Id.* § 79-4-3.02 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs.").

Missouri: MO. REV. STAT. § 351.386 ("Every corporation incorporated under this chapter may engage in any lawful business unless a more limited purpose is set forth in the articles of incorporation; however, the corporation shall not be restricted to this limited purpose, unless it has stated it is so restricted in its articles of incorporation.").

Montana: MONT. CODE § 35-1-114 ("Each corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 35-1-115 ("Unless its articles of incorporation provide otherwise, each corporation has perpetual duration and succession in its corporate name and, unless otherwise prohibited by law, has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Nebraska: NEB. REV. STAT. § 21-2024 ("Every corporation incorporated under the Business Corporation Act shall have the purpose of engaging in any lawful business...."); *id.* § 21-2025 ("Unless its articles of incorporation provide otherwise, every corporation shall have perpetual duration and succession in its corporate name and shall have the

same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Nevada: NEV. REV. STAT. § 78.030 ("One or more persons may establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter....").

New Hampshire: N.H. REV. STAT. § 293-A:3.01(a) ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited one is set forth in the articles of incorporation."); *id.* § 293-A:3.02 ("[E]very corporation ... has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

New Jersey: N.J. STAT. § 14A:2-1 ("A corporation may be organized under this act for any lawful business purpose or purposes except to do in this State any business for which organization is permitted under any other statute of this State unless such statute permits organization under this act.").

New Mexico: N.M. STAT. § 53-11-3 ("Corporations may be organized under the Business Corporation Act for any lawful purpose or purposes, except banking, insurance, credit unions, savings and loan associations, railroads and waterworks organized under the Laws of 1887, Chapter 12.").

New York: N.Y. Bus. Corp. Law § 201 ("A corporation may be formed under this chapter for

any lawful business purpose or purposes except to do in this state any business for which formation is permitted under any other statute of this state unless such statute permits formation under this chapter.").

North Carolina: N.C. GEN. STAT. § 55-3-02 ("Unless its articles of incorporation or this Chapter provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs..."); *id.* § 55-3-01 ("Every corporation incorporated under this Chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in its articles of incorporation.").

North Dakota: N.D. CENT. CODE § 10-19.1-08 ("A corporation may be incorporated under this chapter for any lawful business purpose or purposes, unless some other statute of this state requires incorporation for any of those purposes under a different law. Unless otherwise provided in its articles, a corporation has general business purposes."); *id.* § 10-19.1-26 ("A corporation may have and exercise all other powers necessary or convenient to effect any or all of the business purposes for which the corporation is incorporated.").

Ohio: OHIO REV. CODE § 1701.03 ("A corporation may be formed under this chapter for any purpose or combination of purposes for which individuals lawfully may associate themselves, except that, if the Revised Code contains special provisions

pertaining to the formation of any designated type of corporation other than a professional association, as defined in section 1785.01 of the Revised Code, a corporation of that type shall be formed in accordance with the special provisions.").

Oklahoma: OKLA. STAT. tit. 18, § 904 ("To accomplish its purposes, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers ... [t]o do all acts and things necessary or convenient to carry out the powers expressly granted in this act."); *id.* § 903 ("A business development corporation may be incorporated in this state pursuant to the provisions of this act and all the provisions of the Oklahoma General Corporation Act not in conflict with or inconsistent with the provisions of this act shall apply to such corporation except as hereinafter otherwise provided.").

Oregon: OR. REV. STAT. § 60.074 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 60.077 ("Unless its articles of incorporation provide otherwise, every corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Pennsylvania: 15 PA. CONS. STAT. § 1501 ("Except as provided in section 103 (relating to subordination of title to regulatory laws), a business corporation shall have the legal capacity of natural persons to act."); 15 PA. CONS. STAT. § 1301 ("Corporations may

be incorporated under this subpart for any lawful purpose or purposes. Unless otherwise restricted in its articles, every business corporation has as its corporate purpose the engaging in all lawful business for which corporations may be incorporated under this subpart.").

Rhode Island: R.I. GEN. LAWS § 7-1.2-301 ("Corporations may be organized under this chapter for any lawful purpose or purposes, except for the purpose of carrying on within this state the business of a bank, savings bank, trust company, building and loan association, loan and investment company, safe deposit company, railroad, electric railroad or street railway company, telegraph or telephone company, gas or electric light, heat or power company, canal, aqueduct, or water company, turnpike company, or any corporation which now has or may subsequently have the right to take or condemn land or other property within this state under the power of eminent domain, or to exercise or acquire franchises in streets or highways of this state, and further except for the purpose of rendering the professional services specified in chapter 5.1 of this title which must be organized under the provisions of that chapter.").

South Carolina: S.C. CODE § 33-3-101 ("Every corporation incorporated under Chapters 1 through 20 of this Title has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 33-3-102 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the

same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

South Dakota: S.D. CODIFIED LAWS § 47-1A-301 ("Any corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 47-1A-302 ("Unless its articles of incorporation provide otherwise, a corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Tennessee: TENN. CODE § 48-13-101 ("Every corporation ... has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the chapter."); *id.* § 48-13-102 ("Unless its charter provides otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Texas: TEX. BUS. ORGS. § 2.001 ("A domestic entity has any lawful purpose or purposes, unless otherwise provided by this code."); *id.* § 2.101 ("Except as otherwise provided by this code, a domestic entity has the same powers as an individual to take action necessary or convenient to carry out its business and affairs.").

Utah: UTAH CODE § 16-10a-301 ("Every corporation incorporated under this chapter and including in its

articles of incorporation a statement meeting the requirements of Subsection 16-10a-202(3) may engage in any lawful business except for express limitations set forth in the articles of incorporation."); *id.* § 16-10a-302 ("Unless its articles of incorporation provide otherwise, and except as restricted by the Utah Constitution, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its permitted business purposes, activities, and affairs....").

Virginia: VA. CODE § 13.1-626 ("Every corporation incorporated under this Act has the purpose of engaging in any lawful business unless a more limited purpose is (i) set forth in the articles of incorporation, or (ii) required to be set forth in the articles of incorporation by § 13.1-620, or any other law of this Commonwealth."); *id.* § 13.1-627 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Washington: WASH. REV. CODE § 23B.03.010 ("Every corporation incorporated under this title has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 23B.03.020 ("Unless its articles of incorporation provide otherwise, every corporation has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

West Virginia: W. VA. CODE § 31D-3-301 ("Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation."); *id.* § 31D-3-302 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs....").

Wisconsin: WIS. STAT. § 180.0302 ("Unless its articles of incorporation provide otherwise, a corporation has perpetual duration and succession in its corporate name and has the same powers as a natural person to do all things necessary or convenient to carry out its business and affairs...."); *id.* § 180.0301 ("A corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in its articles of incorporation.").

Wyoming: WYO. STAT. ANN. § 17-16-302 ("Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs...."); *id.* § 17-16-301 ("Every corporation incorporated under this act has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation.").

A COMPILATION OF FEDERAL STATUTES PROVIDING FUNDING FOR FAMILY PLANNING

The following programs provide, or fund the provision of, family planning or patient education and counseling services to women with reproductive capacity:

- Family Planning Services grants in 42 U.S.C. § 300 *et seq.* and as implemented in 42 C.F.R. § 59.1 *et seq.*;

- Teenage Pregnancy Prevention Program, PUB. LAW. NO. 112-74, 125 Stat 786, 1080 (designating $104,790,000 for contracts and grants to public and private entities that provide these services);

- Healthy Start Program, 42 U.S.C. § 254c-8 (designating a base amount of $120,000,000 per year, adjusted annually based on the CPI, for grants and funding);

- Maternal, Infant, and Early Childhood Home Visiting Program, 42 U.S.C. § 711 (designating $1,500,000,000 for the 5-year program);

- Maternal and Child Health Block Grants, 42 U.S.C. § 703 (designating up to $600,000,000 for state grants); and

- Safe Motherhood program, 42 U.S.C. § 247b-12.

The following programs provide a range of health care services, which are required to include, as

necessary, contraceptives, family planning services, and patient education and counseling, to specified populations:

- Medicaid and Children's Health Insurance Program (CHIP) Payment and Access Commission, 42 U.S.C. § 1396 *et seq.*;

- The Indian Health Service, 25 U.S.C. § 13; 42 U.S.C. § 2001(a); 25 U.S.C. § 1601 *et seq.*;

- Health center grants and grants for service to migratory workers, homeless individuals, and residents of public housing, 42 U.S.C. § 254b(e), (g), (h), & (i);

- NIH Clinical Centers, 42 U.S.C. § 248;

- Personal Responsibility Education Program, 42 U.S.C. § 713 (designating $75,000,000 per year for programs addressing subjects such as adolescent sexual education); and

- Unaccompanied Alien Children Program, 8 U.S.C. § 1232(b)(1).

EXCERPTS FROM THE INSTITUTE OF MEDICINE'S REPORT ENTITLED *CLINICAL PREVENTIVE SERVICES FOR WOMEN: CLOSING THE GAPS*

* * *

WHY WOMEN?

The ACA has the potential to transform the way in which the U.S. health care system addresses women's health issues in many ways. It expands access to coverage to millions of uninsured women, ends discriminatory practices such as gender rating in the insurance market, eliminates exclusions for preexisting conditions, and improves women's access to affordable, necessary care. The Women's Health Amendment (*Federal Register*, 2010), which was introduced by Senator Barbara Mikulski and which was added to the ACA, expands on these improvements by requiring that all private health plans cover—with no cost-sharing requirements—a newly identified set of preventive health care services for women. Defining appropriate preventive services for women and ensuring that those services can be accessed without cost sharing are important strategies to improve women's health and well-being (Bernstein et al., 2010; Blustein, 1995).

Many reasons exist for expanding the list of preventive care and screening services for women beyond those included in the guidelines of the United States Preventive Services Task Force (USPSTF) Grade A and B guidelines, the Advisory Committee on Immunization Practices (ACIP), and

Bright Futures (for adolescents) stipulated in the ACA (USPSTF, ACIP, and Bright Futures and their guidelines are described in detail in Chapter 2). Even though women have longer life expectancies than men, women suffer from chronic disease and disability at rates disproportionate to those of men, with consequences for their own health and the health of their families (Wood et al., 2010). Furthermore, mounting evidence suggests that women not only have different health care needs than men (because of reproductive differences) but also manifest different symptoms and responses to treatment modalities (IOM, 2010). Behavioral factors that are shown to contribute to morbidity and mortality in women, include smoking, eating habits, physical activity, sexual risk-taking, and alcohol use (IOM, 2010). Pregnancy and childbirth also carry risks to women's health including maternal mortality (CDC, 2008). Figure 1-1 illustrates preventable mortality in women.

Health outcomes occur because of multiple factors including biology, behavior, and the social, cultural, and environmental contexts in which women live. Smoking, eating habits, physical activity, and other health-related behaviors are shaped by cultural and social contexts, including factors associated with social disadvantage. The marked differences in condition prevalence and mortality in women who experience social disadvantage are associated with minority race/ethnicity, lower education, low income, and differential exposure to stressors such as domestic violence. Such exposures are related to outcomes as varied as injury and trauma, depression, asthma,

heart disease, human immunodeficiency virus (HIV) infection, and other sexually transmitted infections (Campbell et al., 2002; Coker et al., 2000; Ozer and Weinstein, 2004; Tjaden and Thoennes, 1998).

On average, women need to use more preventive care than men (Asch et al., 2006; HHS, 2001), owing to reproductive and gender-specific conditions, causing significant out-of-pocket expenditures for women (Bertakis et al., 2000; Kjerulff et al., 2007). This creates a particular challenge to women, who typically earn less than men and who disproportionately have low incomes. Indeed, women are consistently more likely than men to report a wide range of cost-related barriers to receiving or delaying medical tests and treatments and to filling prescriptions for themselves and their families (KFF, 2010). For example, women have been shown to be more likely than men to forgo preventive services such as cancer screenings and dental examinations because of cost (Rustgi et al., 2009). Studies have also shown that even moderate copayments for preventive services such as mammograms and Pap smears deter patients from receiving those services (Solanki et al., 2000; Trivedi et al., 2010). A 2010 Commonwealth Fund survey found that 44 percent of adult women (compared with 35 percent of adult men) either reported that they had a problem paying medical bills or indicated that they were paying off medical debt over time, an increase from 38 percent in 2005 (Robertson and Collins, 2011). The same survey indicated that less than half of women are up to date with recommended preventive care screenings and services (Robertson and Collins, 2011).

Most women and men in the United States are covered by insurance obtained through the workplace. However, women with employer-based insurance are almost twice as likely as men to be covered as dependents, increasing their vulnerability to losing their insurance if they divorce, their partners lose their jobs, or they become widowed (KFF, 2010). Even though results of studies indicate that evidence-based preventive care services lower the burden of disease, are often cost-effective, increase the efficiency of health care spending, and contribute to the creation of a more productive and prosperous America, many financial barriers exist that prevent women from achieving health and well-being for themselves and their families.

PREVENTIVE SERVICES FOR WOMEN

Preventive services for women are services that prevent conditions harmful to women's health and well-being. "Conditions" are considered diseases, disabilities, injuries, behaviors, and functional states that have direct implications for women's health and well-being. These conditions may be specific to women, such as gynecologic infections and unintended pregnancy; they may be more common or more serious in women, such as autoimmune diseases and depression; they may have distinct causes or manifestations in women, such as alcohol abuse, obesity, and interpersonal violence-related posttraumatic stress disorder; or they may have different outcomes in women or different treatments, such as cardiovascular disease and diabetes (IOM, 2010). To "prevent" is to forestall the onset of a condition; detect a condition at an early stage, when

it is more treatable; or slow the progress of a condition that may worsen or result in additional harm. Preventive services may therefore include the provision of immunizations, screening tests, counseling and education, Food and Drug Administration approved medications and devices, procedures, and over-the-counter medications and devices.

* * *

PREVENTING UNINTENDED PREGNANCY AND PROMOTING HEALTHY BIRTH SPACING

Unintended pregnancy is defined as a pregnancy that is either unwanted or mistimed at the time of conception (Finer and Henshaw, 2006) and affects women with reproductive capacity, that is, from the time of menarche to menopause. Family planning services that are provided to prevent unintended pregnancies include contraception (i.e., all FDA-approved contraceptive drugs and devices, sterilization procedures) as well as patient education and counseling.

Prevalence/Burden

Unintended pregnancy is highly prevalent in the United States. In 2001, an estimated 49 percent of all pregnancies in the United States were unintended—defined as unwanted or mistimed at the time of conception—according to the National Survey of Family Growth (Finer and Henshaw, 2006). The unintended pregnancy rate is much lower in other developed countries (Trussell and

Wynn, 2008). In 2001, 42 percent of U.S. unintended pregnancies ended in abortion (Finer and Henshaw, 2006). Although 1 in 20 American women has an unintended pregnancy each year, unintended pregnancy is more likely among women who are aged 18 to 24 years and unmarried, who have a low income, who are not high school graduates, and who are members of a racial or ethnic minority group (Finer and Henshaw, 2006).

The consequences of an unintended pregnancy for the mother and the baby have been documented, although for some outcomes, research is limited. Because women experiencing an unintended pregnancy may not immediately be aware that they are pregnant; their entry into prenatal care may be delayed, they may not be motivated to discontinue behaviors that present risks for the developing fetus; and they may experience depression, anxiety, or other conditions. According to the IOM Committee on Unintended Pregnancy, women with unintended pregnancies are more likely than those with intended pregnancies to receive later or no prenatal care, to smoke and consume alcohol during pregnancy, to be depressed during pregnancy, and to experience domestic violence during pregnancy (IOM, 1995).

A more recent literature review found that U.S. children born as the result of unintended pregnancies are less likely to be breastfed or are breastfed for a shorter duration than children born as the result of intended pregnancies and that mothers who have experienced any unwanted birth report higher levels of depression and lower levels of

happiness (Gipson et al., 2008). Finally, a recent systematic literature review found significantly increased odds of preterm birth and low birth weight among unintended pregnancies ending in live births compared with pregnancies that were intended (Shah et al., 2008).

The risk factors for unintended pregnancy are female gender and reproductive capacity. Although certain subgroups of women are at greater risk for unintended pregnancy than others (e.g., women aged 18 to 24 years, unmarried women, women with low incomes, women who are not high school graduates, and women who are members of a racial or ethnic minority group), all sexually active women with reproductive capacity are at risk for unintended pregnancy. In 2008, approximately 36 million U.S. women of reproductive age (usually defined as ages 15 to 44 years) were estimated to be in need of family planning services because they were sexually active, able to get pregnant, and not trying to get pregnant (Frost et al., 2010). More than 99 percent of U.S. women aged 15 to 44 years who have ever had sexual intercourse with a male have used at least one contraceptive method (Mosher and Jones, 2010).

Pregnancy spacing is important because of the increased risk of adverse pregnancy outcomes for pregnancies that are too closely spaced (within 18 months of a prior pregnancy). Short interpregnancy intervals in particular have been associated with low birth weight, prematurity, and small for gestational age births (Conde-Agudelo et al., 2006; Fuentes-Afflick and Hessol, 2000; Zhu, 2005). In addition,

women with certain chronic medical conditions (e.g., diabetes and obesity) may need to postpone pregnancy until appropriate weight loss or glycemic control has been achieved (ADA, 2004; Johnson et al., 2006). Finally, pregnancy may be contraindicated for women with serious medical conditions such as pulmonary hypertension (etiologies can include idiopathic pulmonary arterial hypertension and others) and cyanotic heart disease, and for women with the Marfan Syndrome (Meijboom et al., 2005; Regitz-Zagrosek et al., 2008; Warnes, 2004).

Existing Guidelines and Recommendations

Numerous health care professional associations and other organizations recommend the use of family planning services as part of preventive care for women, including ACOG, AAFP, the American Academy of Pediatrics (AAP), the Society of Adolescent Medicine, the AMA, the American Public Health Association, the Association of Women's Health, Obstetric and Neonatal Nurses, and the March of Dimes. In addition, the CDC recommends family planning services as part of preventive visits for preconception health (Johnson et al., 2006).

The USPSTF does not address prevention of unintended pregnancy. Bright Futures recommends that information about contraception be offered to all sexually active adolescents and those who plan to become sexually active (AAP, 2008).

The IOM Committee on Women's Health Research recently identified unintended pregnancy to be a health condition of women for which little

progress in prevention has been made, despite the availability of safe and effective preventive methods (IOM, 2010b). This report also found that progress in reducing the rate of unintended pregnancy would be possible by "making contraceptives more available, accessible, and acceptable through improved services (IOM, 2010b). Another IOM report on unintended pregnancy recommended that "all pregnancies should be intended" at the time of conception and set a goal to increase access to contraception in the United States (IOM, 1995). *Healthy People 2020* (HHS, 2011a), which sets health goals for the United States, includes a national objective of increasing the proportion of pregnancies that are intended from 51 to 56 percent. In addition, *Healthy People 2020* sets goals to increase the number of insurance plans that offer contraceptive supplies and services, to reduce the proportion of pregnancies conceived within 18 months of a previous birth, and to increase the proportion of females or their partners at risk of unintended pregnancy who used contraception during the most recent sexual intercourse (HHS, 2011a).

Effective Interventions

Family planning services are preventive services that enable women and couples to avoid an unwanted pregnancy and to space their pregnancies to promote optimal birth outcomes. A wide array of safe and highly effective FDA-approved methods of contraception is available, including barrier methods, hormonal methods, emergency contraception, and implanted devices; sterilization is

also available for women and for men (FDA, 2010). This range of methods provides options for women depending upon their life stage, sexual practices, and health status. Some methods, such as condoms, spermicides, and emergency contraceptives, are available without a prescription, whereas the more effective hormonal and long-acting reversible methods, such as oral contraceptives and intrauterine devices, are available by prescription or require insertion by a medical professional. Sterilization is a surgical procedure. For women with certain medical conditions or risk factors, some contraceptive methods may be contraindicated. These can be assessed clinically so that an appropriate method can be selected for the individual (CDC, 2010; Dragoman et al., 2010).

The effectiveness of contraceptives is determined by studying the rate of failure (i.e., having an unintended pregnancy) in the first year of use (Table 5-3). The failure rates of all FDA-approved methods in both U.S. and international populations have been well documented and are negligible with proper use (Amy and Tripathi, 2009; Hatcher et al., 2007; Kost et al., 2008; Mansour et al., 2010). Female sterilization, the intrauterine device, and the contraceptive implant have failure rates of 1 percent or less in the first 12 months of use (Fu et al., 1999; Hatcher et al., 2007). Injectable and oral contraceptives have use failure rates of seven and 9 percent, respectively, because some women miss or delay an injection or pill (Kost et al., 2008). Failure rates for both male and female condoms and other barrier methods are higher (e.g., 15 percent for the male condom) (Amy and Tripathi, 2009). These

rates compare with an 85 percent chance of an unintended pregnancy within 12 months among couples using no method of contraception (Hatcher et al., 2007; Trussell and Kost, 1987).

TABLE 5-3 Percentage of U.S. Women Experiencing an Unintended Pregnancy During First Year of Typical Use and First Year of Perfect Use, by Contraceptive Method

	% Experiencing Unintended Pregnancy in First Year of	
Method	Typical Use[a]	Perfect Use[b]
None	85	85
Spermicides (foams, creams, gels, vaginal suppositories, and vaginal film)	29	18
Withdrawal	27	4
Fertility awareness-based methods[c]	25	

[a] Among typical couples who initiate use of a method (not necessarily for the first time), the percentage who experience an accidental pregnancy during the first year if they do not stop use for any other reason.

[b] Among couples who initiate use of a method (not necessarily for the first time) and who use it perfectly (both consistently and correctly), the percentage who experience an accidental pregnancy during the first year if they do not stop use for any other reason.

[c] The ovulation and 2-day methods are based on evaluation of cervical mucus. The standard day method avoids intercourse on cycle days 8 through 19.

SOURCE: © 2007 by Contraceptive Technology Communications Reprinted by permission of Ardent Media, Inc.

Standard days method		5
Two-day method		4
Ovulation method		3
Sponge		
Parous women	32	20
Nulliparous women	16	9
Diaphragm (with spermicidal cream or jelly)	16	6
Condom (without spermicides)		
Female	21	5
Male	15	2
Combined pill and progestin-only pill	8	0.30
Evra patch	8	0.30
NuvaRing	8	0.30
Depro-Provera	3	0.30
Intrauterine Device		
ParaGard (copper T)	0.80	0.60
Mirena (LNG-IUS)	0.20	0.20
Implanon	0.05	0.05
Female sterilization	0.50	0.50
Male sterilization	0.15	0.10

In addition to this evidence of method effectiveness, evidence exists that greater use of contraception within the population produces lower unintended pregnancy and abortion rates nationally. Studies show that as the rate of contraceptive use by unmarried women increased in the United States between 1982 and 2002, rates of unintended pregnancy and abortion for unmarried women also declined (Boonstra et al., 2006). Other studies show that increased rates of contraceptive use by

adolescents from the early 1990s to the early 2000s was associated with a decline in teen pregnancies and that periodic increases in the teen pregnancy rate are associated with lower rates of contraceptive use (Santelli and Melnikas, 2010).

As with all pharmaceuticals and medical procedures, contraceptive methods have both risks and benefits. Side effects are generally considered minimal (ACOG, 2011a,b,c; Burkman et al., 2004). Death rates associated with contraceptive use are low and, except for oral contraceptive users who smoke, lower than the U.S. maternal mortality rate (Hatcher et al., 1998). For example, the oral contraceptive death rate per 100,000 users under the age of 35 years who are nonsmokers was 1.5 per 100,000 live births (Hatcher et al., 1998), compared with 11.2 maternal deaths per 100,000 live births in 2006 (age adjusted) (CDC, 2010c).

Contraceptive methods often have benefits separate from the ability to plan one's family and attain optimal birth spacing. For example, the non-contraceptive benefits of hormonal contraception include treatment of menstrual disorders, acne or hirsutism, and pelvic pain (ACOG, 2010a). Long-term use of oral contraceptives has been shown to reduce a woman's risk of endometrial cancer, as well as protect against pelvic inflammatory disease and some benign breast diseases (PRB, 1998). The Agency for Healthcare Research and Quality (AHRQ) is currently undertaking a systematic evidence review to evaluate the effectiveness of oral contraceptives as primary prevention for ovarian cancer (AHRQ, 2011).

Education and counseling are important components of family planning services because they provide information about the availability of contraceptive options, elucidate method-specific risks and benefits for the individual woman, and provide instruction in effective use of the chosen method (NBGH, 2005; Shulman, 2006). Research on the effectiveness of structured contraceptive counseling is limited (Halpern et al., 2006; Lopez et al., 2010b; Moos et al., 2003). However, studies show that postpartum contraceptive counseling increases contraceptive use and decreases unplanned pregnancy (Lopez et al., 2010a), that counseling increases method use among adolescents in family planning clinics (Kirby, 2007), that counseling decreases nonuse of contraception in older women of reproductive age (35 to 44 years) who do not want a future baby (Upson et al., 2010), and that counseling of adult women in primary care settings is associated with greater contraceptive use and the use of more effective methods (Lee et al., 2011; Weisman et al., 2002).

Although it is beyond the scope of the committee's consideration, it should be noted that contraception is highly cost-effective. The direct medical cost of unintended pregnancy in the United States was estimated to be nearly $5 billion in 2002, with the cost savings due to contraceptive use estimated to be $19.3 billion (Trussell, 2007). The cost-effectiveness of family planning is also documented in an evaluation of FamilyPact, California's 1115 Medicaid Family Planning Waiver Program. The unintended pregnancies averted in this program in 2002 would have cost the state $1.1 billion within two years, and

$2.2 billion within five years, for public-sector health and social services that otherwise would have been needed (Amaral et al., 2007).

In a study of the cost-effectiveness of specific contraceptive methods, all contraceptive methods were found to be more cost-effective than no method, and the most cost-effective methods were long-acting contraceptives that do not rely on user compliance (Trussell et al., 2009). The most common contraceptive methods used in the United States are the oral contraceptive pill and female sterilization. It is thought that greater use of long-acting, reversible contraceptive methods—including intrauterine devices and contraceptive implants that require less action by the woman and therefore have lower use failure rates—might help further reduce unintended pregnancy rates (Blumenthal et al., 2011). Cost barriers to use of the most effective contraceptive methods are important because long-acting, reversible contraceptive methods and sterilization have high up-front costs (Trussell et al., 2009).

Contraceptive coverage has become standard practice for most private insurance and federally funded insurance programs. For example, contraceptive services are covered for all federal employees and individuals who obtain their care through federally financed programs, such as VA, TRICARE for active-duty military and their dependents, and IHS. Federal programs provide funding for family planning services in community health centers through the Public Health Service Act, in family planning centers through Title X

[Population Research and Voluntary Family Planning Programs (P.L. 91-572)], through the Maternal and Child Health Block Grant, and through the Medicaid program.

Since 1972, Medicaid, the state-federal program for certain low-income individuals, has required coverage for family planning in all state programs and has exempted family planning services and supplies from cost-sharing requirements. In addition, 26 states currently operate special Medicaid-funded family planning programs for low-income women who either no longer qualify for Medicaid or do not meet the program's categorical requirements. In Massachusetts, family planning services with no copayments will be included as part of the preventive benefits offered to members of Commonwealth Care, a program of subsidized health insurance for lowand moderate-income people (Personal communication, Stephanie Chrobak and Nancy Turnbull, Massachusetts Health Connector, May 10, 2011).

Private employers have also expanded their coverage of contraceptives as part of the basic benefits packages of most policies. This expansion has occurred in response to state and federal policies. Twenty-eight states now have regulations requiring private insurers to cover contraceptives, and 17 of these states also require that insurance cover the associated outpatient visit costs (Guttmacher Institute, 2011) (see Chapter 3). A federal court ruling issued in 2000 by the Equal Employment Opportunity Commission found an employer's failure to cover prescription contraceptive

drugs and devices in a health plan that covers other drugs, devices, and preventive care to be discrimination against women in violation of Title VII of the Civil Rights Act (EEOC, 2000).

In 2007, NBGH recommended that employer-sponsored health plans include coverage of family planning services, without cost sharing, as part of a minimum set of benefits for preventive care. The Guttmacher Institute also calls comprehensive coverage of contraceptive services and supplies "the current insurance industry standard," with more than 89 percent of insurance plans covering contraceptive methods in 2002 (Camp, 2011). A more recent 2010 survey of employers found that 85 percent of large employers and 62 of small employers offered coverage of FDA-approved contraceptives (Claxton et al., 2010).

Despite increases in private health insurance coverage of contraception since the 1990s, many women do not have insurance coverage or are in health plans in which copayments for visits and for prescriptions have increased in recent years. In fact, a review of the research on the impact of cost sharing on the use of health care services found that cost-sharing requirements, such as deductibles and copayments, can pose barriers to care and result in reduced use of preventive and primary care services, particularly for low-income populations (Hudman and O'Malley, 2003). Even small increments in cost sharing have been shown to reduce the use of preventive services, such as mammograms (Trivedi et al., 2008). The elimination of cost sharing for contraception therefore could greatly increase its

use, including use of the more effective and longer-acting methods, especially among poor and low-income women most at risk for unintended pregnancy. A recent study conducted by Kaiser Permanente found that when out-of-pocket costs for contraceptives were eliminated or reduced, women were more likely to rely on more effective long-acting contraceptive methods (Postlethwaite et al., 2007).

Identified Gaps

Contraception and contraceptive counseling are not currently in the array of preventive services available to women under the ACA.

Systematic evidence reviews and other peer-reviewed studies provide evidence that contraception and contraceptive counseling are effective at reducing unintended pregnancies. Current federal reimbursement policies provide coverage for contraception and contraceptive counseling and most private insurers also cover contraception in their health plans. Numerous health professional associations recommend family planning services as part of preventive care for women. Furthermore, a reduction in unintended pregnancies has been identified as a specific goal in *Healthy People 2010* and *Healthy People 2020* (HHS, 2000, 2011a).

Recommendation 5.5: The committee recommends for consideration as a preventive service for women: the full range of Food and Drug Administration-approved contraceptive methods, sterilization procedures, and patient education and counseling for women with

reproductive capacity.

* * *

Appendix D

Dissent and Response

This appendix has two parts. The first is a dissent statement from committee member Anthony Lo Sasso, and the second is a response from the chair and the other 14 members of the Committee on Preventive Services for Women.

DISSENTING OPINION

Anthony Lo Sasso

Summary

Given the combination of the unacceptably short time frame for the PSW committee to conduct or solicit meaningful reviews of the evidence associated with the preventive nature of the services considered, this dissent advocates that no additional preventive services beyond those explicitly stated in the Affordable Care Act (ACA) be recommended for consideration by the Secretary for first dollar coverage until such time as the evidence can be objectively and systematically evaluated and an appropriate framework can be developed. The long-run risks associated with making poorly informed decisions, and their likely irreversibility once codified, outweigh the ACA-mandated rapidity with which the committee was confronted.

Rationale

The ACA provided the impetus for the IOM to form a panel to make recommendations about screening and preventive services that "have been shown to be effective for women" that in turn will be considered by the Secretary for coverage on a first-dollar basis by all new private plans in operation in 2014. However, a remarkably short time frame was provided for the task of reviewing all evidence for preventive services beyond the services encompassed by the USPSTF, Bright Futures and ACIP: the final report from the committee was needed barely six months from the time the group was empanelled.

As the Report acknowledges, the lack of time prevented a serious and systematic review of evidence for preventive services. This should in no way reflect poorly on the tireless work of the committee and staff; it instead merely reflects the fact that the process set forth in the law was unrealistic in the time allocated to such an important and time-intensive undertaking. Where I believe the committee erred was with their zeal to recommend something despite the time constraints and a far from perfect methodology.

The Report posits four categories as the basis for the recommendations ranging from "high quality systematic evidence reviews" (Category I) to potentially self-serving guidelines put forth by professional organizations (Category IV). The categories alone on their face provide little basis to exclude many preventive services. For example, Category II asks whether there are any "quality"

supportive peer-reviewed studies, but there is no clear benchmark for what quality means in this context; many studies published in peer-reviewed journals (even very well respected journals) are of low quality and are not generalizable. The problematic nature of the categories aside, the relative weights applied to each category vis-à-vis the recommendations were not specified, making it impossible to discern what factors were most important in the decision to recommend one service versus another. The categories were combined with expert judgment from members of the committee and supplemented with committee debate to arrive at the recommendations put forth in the Report. Readers of the Report should be clear on the fact that the recommendations were made without high quality, systematic evidence of the preventive nature of the services considered. Put differently, evidence that use of the services in question leads to lower rates of disability or disease and increased rates of well-being is generally absent.

The view of this dissent is that the committee process for evaluation of the evidence lacked transparency and was largely subject to the preferences of the committee's composition. Troublingly, the process tended to result in a mix of objective and subjective determinations filtered through a lens of advocacy. An abiding principle in the evaluation of the evidence and the recommendations put forth as a consequence should be transparency and strict objectivity, but the committee failed to demonstrate these principles in the Report. This dissent views the evidence evaluation process as a fatal flaw of the Report

particularly in light of the importance of the recommendations for public policy and the number of individuals, both men and women, that will be affected.

Other Considerations

Another concerning aspect of the Report is the lack of a coherent framework to evaluate coverage apart from the evidence regarding clinical efficacy. Although coverage determinations were not explicitly part of the committee's charge, it is nevertheless difficult to ignore the fact that the committee's recommendations will have important implications for coverage considerations. Thus while the lack of a theoretical or conceptual framework to examine coverage decisions can perhaps be forgiven, it is clear that the "life course" model put forth in the Report does not lend itself to the consideration of coverage decisions. I describe one potential framework below that could inform such thinking around coverage determinations.

The ACA law requires coverage by private insurers of all USPSTF A and B recommendations. The USPSTF process of evidence review represents a "gold standard" based on a critical and scholarly review of all extant literature and therefore is the bar the committee should have aspired to in basing its recommendations to the Secretary. That said, the clinical recommendations from the USPSTF were never intended to provide a basis for insurance coverage determinations; they are intended as guides to physician practice. Given the previous role of the USPSTF it is worth noting that basing

coverage decisions categorically on USPSTF recommendations has the potential to jeopardize the objectivity and scientific integrity of the USPSTF review process.

In contrast, while Bright Futures is a body aimed at influencing clinical practice, the evidence bar for its recommendations is considerably lower than that of the USPSTF. Recommendations are considered "evidence-informed" and rely heavily on expert opinion rather than systemic, critical reviews of the literature. This is troubling given the important public policy consequences that will now result from Bright Futures recommendations.

Additions to the Update Recommendations

There are reasons to support the framework for future evaluation of preventive services in the Report (Chapter 6). The proposed framework crucially recognizes the importance of separating the scientific objective of establishing the effectiveness and potentially the cost effectiveness of preventive services from the policy decision regarding coverage of services. This dissent advocates for a more concrete structure based on sound public policy principles to frame both the evidence review and coverage decision for specific preventive services for women.

A highly regarded framework to examine coverage decisions of preventive services in an insurance context was developed more than twenty years ago by Pauly and Held (1990). The authors consider coverage decisions for a hypothetical

preventive service that is presumed to reduce the probability of a covered and potential costly healthcare treatment episode (for example, inpatient treatment of a preventable disease outcome). More formally, if one assumes a preventive service, *S*, that costs *P* is available that when administered changes the probability from *pn* to *py* of experiencing an inpatient event with cost *E*, the following can be observed:

1. If $pn > py$ the service is effective in prevention as the treatment *S* reduces the probability of experiencing the negative outcome; this represents the minimum necessary threshold for which "preventive" needs to be defined.

2. If $(pn - py)E > P$ the service is "cost effective"[d] in that the cost associated with the relative reduction in the probability of the negative outcome exceeds the cost of the treatment S; this is a potentially high bar but an important one for a preventive service.

However, it is important to understand that point (1) and even point (2) do not necessarily imply that first-dollar coverage of preventive services leads to an overall reduction in insurer payments (and hence insurance premiums) as many might assume. Whether coverage of preventive service leads to a

---

[d] It is important to note that the statute rules out cost as a consideration by the committee. Cost is included in the example only to demonstrate that the hypothetical preventive service meets a high bar beyond effectiveness.

reduction in healthcare expenditure depends on the fraction of enrollees using the service before the service becomes covered and the magnitude of the response among enrollees who experience the reduction in out-of-pocket price. This latter point is what Pauly and Held term "benign moral hazard" and it points to a critical parameter of interest as the elasticity or responsiveness of preventive service utilization to the user price for the service. Knowing how elastic patient demand is to preventive services is a critical element to a coverage decision even if one already has good estimates of the effectiveness and cost-effectiveness. This is self-evidently a useful parameter to know for any preventive service because it highlights the impact that first-dollar coverage of the service will have, perhaps in relation to other forms of outreach.

More recently, Pauly and Blavin (2008) incorporate some additional considerations in the wake of research on so-called value-based health insurance designs. First dollar coverage can be justified if enrollees lack information about the benefits of preventive services in order to make correct (or at least fully informed) decisions. Such a determination, however, would depend on the relative efficacy of information provision about the benefits of preventive services versus reducing (or eliminating) cost sharing.

REFERENCES

Pauly, M. V., and F. E. Blavin. 2008. Moral hazard in insurance, value-based cost sharing, and the benefits of blissful ignorance. *Journal of Health*

Economics 27:1407–1417.

Pauly, M. V., and P. J. Held. 1990. Benign moral hazard and the cost-effectiveness analysis of insurance coverage. *Journal of Health Economics* 9:447–461.

RESPONSE TO DISSENTING STATEMENT

Linda Rosenstock (Chair), Alfred O. Berg, Claire D. Brindis, Angela Diaz, Francisco Garcia, Kimberly Gregory, Paula A. Johnson, Jeanette H. Magnus, Heidi D. Nelson, Roberta B. Ness, Magda G. Peck, E. Albert Reece, Alina Salganicoff, Sally W. Vernon, and Carol S. Weisman

The dissenting committee member wanted more time and the opportunity to incorporate cost-benefit analysis. At the first committee meeting, it was agreed that cost considerations were outside the scope of the charge, and that the committee should not attempt to duplicate the disparate review processes used by other bodies, such as the USPSTF, ACIP, and Bright Futures. HHS, with input from this committee, may consider other factors including cost in its development of coverage decisions. The dissent also includes inaccurate statements regarding the committee process and its approach to the committee charge. The committee members' expertise is diverse and while many have different perspectives, no other member shares the opinion that report recommendations were not soundly evidence based.

CONESTOGA WOOD SPECIALTIES CORP.'S CONSENT TO USE OF SIMILAR NAME

CONSENT TO USE OF SIMILAR NAME
DSCB:17.3 (Rev 90)

Pursuant to 19 Pa. Code § 17.3 (relating to use of a confusingly similar name) the undersigned association, desiring consent to the use by another association for a name which is confusingly similar to its name, hereby certifies that:

1. The name of the association executing this Consent to Use of Similar Name is: CONESTOGA WOOD SPECIALTIES, INC.

2. The (a) address of the association's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department.):

(a) 245 Reading Road, PO Box J (Number and Street), East Earl (City), Pennsylvania (State)
17519-0158 (Zip) Lancaster (County)

(b) c/o _____ (Name of Commercial Registered Office Provider) _____ (County)

For an association represented by commercial registered office provider, the county in (b) shall be deemed the county in which the association is located for venue and official publication purposes.

3. The date of its incorporation or other organization is: January 27, 1969

4. The statute under which it was incorporated or otherwise organized is: Business Corporation Law, Act of May 5, 1933, P.L. 364, as amended.

5. The association(s) entitled to the benefit of this Consent to Use of Similar Name is (are): Conestoga Wood Specialties Corporation

6. A check in this box: ____ indicates that the association executing this Consent to Use of Similar Name is the parent or prime affiliate of a group of associations using the same name with geographic or other designations, and that such association is authorize to and does hereby act on behalf of all such affiliated associations, including the following (see 19 Pa. Cod § 17.3 (c) (6)): _____

IN TESTIMONY WHEREOF, the undersigned association has caused this consent to be signed by a duly authorized office thereof this *17th* day of *September, 1996*.

CONESTOGA WOOD SPECIALTIES, INC.
(Name of Association)

BY: *Louis K. Green*
(Signature)

TITLE: *President / CEO*

M. Burr Keim Company Philadelphia
1–800–533–8113

CONESTOGA WOOD SPECIALTIES CORP.'S INCORPORATION DOCUMENTS

Microfilm Number 9663-338

Filed with the Department of State on SEP181995

Entity Number *2715135*

Yvette Kane
Secretary of the Commonwealth

ARTICLES OF INCORPORATION-FORPROFIT
DSCB:15-1308/2102/2303/2702/2803/7102A (Rev 90)

Indicate type of domestic corporation (check one):

X Business-stock (15 Pa.C.S. §1306)

_ Business-nonstock (15 Pa.C.S. §2102)

_ Business-statutory close (15 Pa.C.S. §2303)

_ Management (15 Pa.C.S. §2702)

_ Professional (15 Pa.C.S. §2703)

_ Cooperative (15 Pa.C.S. §7102A)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned, desiring to incorporate a corporation for profit hereby state(s) that:

1. The name of the corporation is: CONESTOGA WOOD SPECIALTIES CORPORATION

2. The (a) address of this corporation's initial

registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) 245 Reading Road, PO Box 158 (Number and Street), East Earl (City), Pennsylvania (State)
17519-0158 (Zip) Lancaster (County)

(b) c/o _____ (Name of Commercial Registered Office Provider) _____ (County)

For a corporation represented by commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the provisions of the business Corporation Law of 1968.

4. The aggregate number of shares authorized is: See attached page (other provision, if any, attach 8 1/2 × 11 sheet.)

5. The name and address, including street and number, if any, of each incorporator is:

Name	Address
Nancy O. Foley	Pepper, Hamilton & Scheetz 1235 Westlakes Drive Suite 400 Berwyn, PA 19312-2401

6. The specified effective date, if any, is:
upon filing
month day year hour, if any

7. Any additional provisions of the articles, if any, attach an 8 1/2 × 11 sheet. See attached page

8. Statutory close corporation only: Neither the corporation nor any shareholder shall make an offering of any its shares of any class that would constitute a "public sharing" within the meaning of the Securities Act of 1933 (15 U.S.C. § 77a et seq.).

9. Cooperative corporations only: (Complete and strike out inapplicable term) The common bond of membership among its members/shareholders is:

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed these Articles of Incorporation *16th* day of September, 1996.

	Nancy O. Foley
(Signature)	(Signature)

SEP 18 96
PA Dept. of State

M. Burr Keim Company, Philadelphia
1–800–533–8113

ATTACHMENT TO ARTICLES OF INCORPORATION OF CONESTOGA WOOD SPECIALTIES CORPORATION

4. The total number of shares which the corporation shall have authority to issue is One thousand (1,000) shares of Common stock, with a par value of One Cent ($0.01) per share.

7. The shareholders of this corporation shall NOT be entitled to cumulate votes in the election of directors.

Microfilm Number _____ Filed with the Department of State on DEC 30 1996

Entity Number *2715135*

_____
Secretary of the Commonwealth

ARTICLES OF AMENDMENT—
DOMESTIC BUSINESS CORPORATION
DSCB:15-1915(Rev.90)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

1. The name of the corporation is: CONESTOGA WOOD SPECIALTIES CORPORATION

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) 245 Reading Road, P.O. Box 158 (Number and Street), East Earl (City), Pennsylvania (State) 17519 (Zip)
Lancaster (County)

(b) c/o _____ (Name of Commercial Registered Office Provider) _____ (County)

For a corporation represented by commercial registered office provider, the county in (b) shall

be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Pennsylvania Business Corporation Law of 1922, as amended Section 15-1306.

4. The date of its incorporation is: September 18, 1996

5. (Check, and if appropriate complete, one of the following):

   _x_ The amendment shall be effective upon filing these Articles of Amendment in the Department of Department of State.

   ___ The amendment shall be effective on:

   _____ at _____
   Date Hour

6. (Check one of the following):

   _x_ The amendment was adopted by the shareholders (or members) pursuant to 15 Pa.C.S. § 1914(a) and (b).

   ___ The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. § 1914(c).

7. (Check, and if appropriate complete, one of the following):

   ___ The amendment adopted by the corporation,

set forth in full, is as follows:

_x_ The amendment adopted by the corporation as set forth in full in Exhibit A attached hereto and made part herof

8. (Check, if the amendment restates the Articles):

___ The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this *20* day of December, 1996.

CONESTOGA WOOD SPECIALTIES CORP[.]
(Name of Corporation)

BY: *Norman Hahn*
(Signature)

TITLE: *President*

M. Burr Keim Company, Philadelphia
1–800–533–8113

DEC 30 95
PA Dept. of State

EXHIBIT "A"

Paragraph 4 of the Articles of Incorporation be amended and restated in its entirety to be and to read as follows:

> "The corporation shall have the authority to issue up to 2,000,000 shares of common stock, par value ($0.01) per share (the "Common Stock"), consisting of up to 100,000 shares of Voting Common Stock and up to 1,900,000 shares of Non-Voting Common Stock. Each holder of Voting Common Stock shall be entitled to one vote for each share of Voting Common Stock held of record on all matters as to which holders of Voting Common Stock shall be entitled to vote. The Non-Voting Common Stock shall not be entitled to vote. The Voting Common Stock and the Non-Voting Common Stock shall be identical in all other respects. The corporation shall not have the authority to issue any preferred stock."

GV: #35928v1 (RQ001!.WPD)

Entity # 2715135
Date Filed: 12/26/2006
Pedro A. Cortes
Secretary of the Commonwealth

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Articles of Amendment—Domestic Corporation
(15 Pa.C.S.)

Entity Number	
2715135	x Business Corporation (§ 1915) x Nonprofit Corporation (§ 5915)

Name
Kimberly Perez, Sr. Legal Asst., Pepper Hamilton LLP

Address
200 One Keystone Plaza, P.O. Box 1181

City State Zip
Harrisburg, PA 17108-1181

Document will be returned to the name and address you enter to the left.

Commonwealth of Pennsylvania
ARTICLES OF AMENDMENT-BUSINESS 4 Page(s)

Fee: $70

Filed in the Department of State on

_____

_____
Secretary of the Commonwealth

In compliance with the requirements of the applicable provisions (relating to articles of amendment), the undersigned, desiring to amend its articles, hereby states that:

1. The name of corporation is:
Conestoga Wood Specialties Corporation

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) Number and Street: 245 Reading Road, P.O. Box 158' | City: East Earl' | State: PA | Zip: 17519-0158

County: Lancaster

(b) c/o _____ (Name of Commercial Registered Office Provider) _____ (County)

3. The statute by or under which it was incorporated: Business Corporation Law of 1988, as amended.

4. The date of its incorporation: September 18, 1996

5. *Check, and if appropriate complete, one of the following:*

x The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

__ The amendment shall be effective on:
_____ (Date) at _____ (Hour)

6. *Check one of the following:*

x The amendment was adopted by the shareholders or members pursuant to 15 Pa.C.S. § 1914(a) and (b) or § 5914(a).

__ The amendment was adopted by the board of directors pursuant to 15 Pa. C.S. § 1914(c) or §5914(b).

7. *Check, and if appropriate, complete one of the following:*

__ The amendment adopted by the corporation, set forth in full, is as follows:

_____

x The amendment adopted by the corporation is set forth in full in Exhibit A attached hereto and made part hereof.

8. *Check if the amendment restates the Articles:*

__ The restated Articles of Incorporation supersede the original articles and all amendments thereto.

2006 DEC 26
AM 11:56

PA DEPT
OF STATE

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 22 day of December, 2006.

Conestoga Wood Specialties Corporation
Name of Corporation

Raymond J. Grzybowski
Signature

Chief Financial Officer
Title

EXHIBIT A

Paragraph 4 of the Articles of Incorporation be amended and restated in its entirety to be and to read as follows:

"The Corporation shall have the authority to issue up to 3,000,000 shares of common stock, par value ($0.01) per share (the "Common Stock"), consisting of up to 150,000 shares of Voting Common Stock and up to 2,850,000 shares of Non-Voting Common Stock. Each holder of voting Common Stock shall be entitled to one vote for each share of Voting Common Stock held of record on all matters as to which holders of Voting Common Stock shall be entitled to vote. The Non-Voting Common Stock shall not be entitled to vote. The Voting Common Stock and the Non-voting Common Stock shall be identical in all other respects. The corporation shall not have the authority to issue any preferred stock."

Microfilm Number _____ Filed with the Department of State on DEC 31 1996

Entity Number *2715135* *Yvette Kane*

Secretary of the Commonwealth

ARTICLES OF MERGER—
DOMESTIC BUSINESS CORPORATION
DSCB:15-1926 (Rev.91)

In compliance with the requirements of 15 Pa.C.S. § 1926 (relating to articles of merger or consolidation), the undersigned business corporation, desiring to effect a merge, hereby states that:

1. The name of the corporation surviving the merger is: CONESTOGA WOOD SPECIALTIES CORPORATION

2. (Check and complete one of the following):

   X The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

   (a) 245 Reading Road, P.O. Box 158 (Number and Street), East Earl (City), Pennsylvania (State) 17519 (Zip)
   Lancaster (County)

(b) c/o _____ _____
Name of Commercial Registered Office Provider County

For a corporation represented by commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

__ The surviving corporation is a qualified foreign business corporation incorporated under the laws of _____ and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) _____, _____, _____ _____ _____
Number and Street, City, State Zip County

(b) c/o _____ _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

__ The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of _____ and the address of its principal office under the laws of such domiciliary jurisdiction is:

Number and Street, City, State Zip County

3. The name and the address of the registered office in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

Name of Corporation	Address of Registered Office or Name of Commercial Registered Office Provider	County
CONESTOGA WOOD SPECIALTIES, INC.	245 Reading Road, PO Box 158 East Earl, PA 17519	Lancaster

4. (Check, and if appropriate complete, one of the following):

__ The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

_x_ The plan of merger shall be effective on January 1, 1997 (Date) at 12:01 a.m. (Hour)

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

Name of corporation	Manner of Adoption
CONESTOGA WOOD SPECIALTIES, INC.	Unanimous Consent of Shareholders
CONESTOGA WOOD SPECIALTIES CORPORATION	Unanimous Consent of Shareholders

6. (Strike out this paragraph if no foreign corporation is a party to the merger). The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation (or each of the foreign business corporations) party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.

7. (Check, and if appropriate complete, one of the following):

__ The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

x Pursuant to 15 Pa.C.S. § 1901 (relating to omission of certain provisions from filed plans) the provisions, if any, of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

245 Reading Road, P.O. Box 158 (Number and Street), East Earl (City), PA (State) 17519 (Zip) Lancaster (County)

IN TESTIMONY WHEREOF, the undersigned corporation or each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this *20* day of December, 1996.

CONESTOGA WOOD SPECIALTIES, INC.	CONESTOGA WOOD SPECIALTIES CORPORATION
(Name of Corporation)	(Name of Corporation)
BY: *Louis R. Green*	BY: *Norman Hahn*
(Signature)	(Signature)
TITLE: President	TITLE: President

M. Burr Keim Company, Philadelphia (215) 563–8113 (800)–533–8113 DEC 31 96 PA Dept. of State

Microfilm Number _____ Filed with the Department of State on DEC 31 1996

Entity Number *2715135* *Yvette Kane*
Secretary of the Commonwealth

ARTICLES OF MERGER—
DOMESTIC BUSINESS CORPORATION
DSCB:15-1926 (Rev.91)

In compliance with the requirements of 15 Pa.C.S. § 1926 (relating to articles of merger or consolidation), the undersigned business corporation, desiring to effect a merge, hereby states that:

1. The name of the corporation surviving the merger is: CONESTOGA WOOD SPECIALTIES CORPORATION

2. (Check and complete one of the following):

   X The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

   (a) 245 Reading Road (Number and Street) East Earl (City), Pennsylvania (State) 17519 (Zip) Lancaster (County)

   (b) c/o _____ (Name of Commercial Registered Office Provider) _____ (County)

For a corporation represented by commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

__ The surviving corporation is a qualified foreign business corporation incorporated under the laws of _____ and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) _____, _____, _____ _____ _____
Number and Street, City, State Zip County

(b) c/o _____ _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

__ The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of _____ and the address of its principal office under the laws of such domiciliary jurisdiction is:

_____, _____, _____ _____ _____
Number and Street, City, State Zip County

3. The name and the address of the registered office

in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

Name of Corporation	Address of Registered Office or Name of Commercial Registered Office Provider	County
Tru-Wood Corporation	*P.O. Box 280* *East Main Street* *Kreamer, PA 17833*	

4. (Check, and if appropriate complete, one of the following):

__ The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

_x_ The plan of merger shall be effective on January 1, 1997 (Date) at 12:01 a.m. (Hour)

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

Name of corporation	**Manner of Adoption**
Conestoga Wood Specialties, Corporation	Unanimous Consent of Shareholders
Tru-Wood Corporation	Unanimous Consent of Shareholders

6. (Strike out this paragraph if no foreign corporation is a party to the merger). The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation (or each of the foreign business corporations) party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.

7. (Check, and if appropriate complete, one of the following):

__ The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

_x_ Pursuant to 15 Pa.C.S. § 1901 (relating to omission of certain provisions from filed plans) the provisions, if any, of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

245 Reading Road	East Earl	PA	17519	Lancaster
Number and Street'	City	' State	Zip	County

IN TESTIMONY WHEREOF, the undersigned corporation or each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this *30th* day of December, 1996.

Tru-Wood Corporation	Conestoga Wood Specialties Corporation
(Name of Corporation)	(Name of Corporation)
BY: *Norman Hann*	BY: *Norman Hahn*
(Signature)	(Signature)
TITLE: President	TITLE: President

M. Burr Keim Company, Philadelphia DEC 31 96
(215) 563–8113 (800)–533–8113 PA Dept. of State

CONESTOGA WOOD SPECIALTIES CORP.'S VISION AND VALUES STATEMENTS

CONESTOGA WOOD SPECIALTIES, INC.

VISION

- Achieving excellence in stakeholder relationships.

    - Ensuring a reasonable profit in manner that reflects our Christian heritage and the highest ethical and moral principles of business.

STRATEGIC OBJECTIVE:

- To be *world class competitive* that *exceeds customer expectations* (both *internally and externally*) in the following areas:

    ✓ - Quality ✓ - Service/Satisfaction

    ✓ - Value ✓ - Innovation

VALUES:

- To conduct business in a manner which exemplifies the following strong values:

    ✓ - Honesty ✓ - Integrity

    ✓ - Openness ✓ - Trust

    ✓ - Care of People

SKILLS:

- To continually strengthen our skills in all levels of customer/client relationships.

  - Strong sense of urgency
  - Professionally competent
  - Analytical
  - Empowerment of people (ownership)
  - Customer oriented
  - Perform to high standards
  - Learner
  - Team participative/ cooperative
  - Sense of anticipation (future)
  - High energy level
  - Enthusiasm
  - Innovation

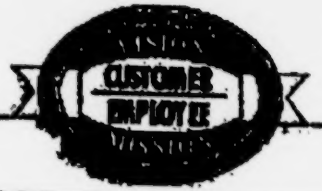
VALUES

Our values are founded on Christian principles which are exemplified in:		
The Way We Live	**Integrity**	*Communicate openly and honestly; admit mistakes, listen carefully, and fulfill our promises even in the face of difficult circumstances.*
	Respect	*Treat all customers and team members with the same fairness as we wish to be accorded ourselves; and accept individual differences, diverse opinions, and mistakes*
The Way We Work	**Accountability**	*Set clear and measurable objectives for our teams and ourselves and accept personal responsibility for results.*
	Resourcefulness	*Strive for maximum results with the time, materials, equipment, and funds which we control or influence.*
	Innovation	*Seek out opportunity for continuous improvement, driving increased Customer Satisfaction through the superior design and quality of our products, services, and teamwork.*

CONESTOGA

Wood Specialties Corporation

VISION AND MISSION



Vision	*Our vision is to be the premier global supplier of components to the new construction and remodeling markets.*
Mission	*Our mission is to create and produce innovative, competitive wood components products and supporting services of superior quality through our pioneering business processes.* *We operate in a professional environment founded up on the highest ethical, moral, and Christian principles reflecting respect, support, and trust for our customers, our suppliers, our employees, and their families.*

CONESTOGA
Wood Specialties Corporation

BUSINESS PROCESSES

Human Resources	*Develop, improve and sustain a learning environment where employees work in teams that are meaningfully involved in improving business performance and are recognized for their contribution to organizational success.*
Quality	*Develop, maintain, review and continuously improve our quality management system and objectives in order to meet or exceed our customers' requirements and expectations. This will be accomplished by continuously improving our processes through discipline and accountability until they are virtually defect free.*
Manufacturing Process	*Develop production technology/management techniques for a planning and execution process that maximizes speed, service and flexibility and minimize non-value added activity.*
Supply Chain Management	*Develop fully linked supply chain activities from our suppliers' supplier to our customers' customer to maximize velocity, visibility, variability and volume, thereby improving overall systems efficiencies and responsiveness.*

Financial and Information Systems	*Develop innovative and reliable financial and information systems that enhance our competitiveness and drive customer satisfaction by converting data into knowledge, which is used to make sound business decisions, maximize shareholder value and exceed our customer's expectations.*
Product and Program Development	*Develop innovative products and services that provide our customers a competitive advantage in the marketplace.*
	CONESTOGA *Wood Specialties Corporation*

THE HAHN FAMILY POSITION STATEMENT ON THE SANCTITY OF LIFE

October 31, 2012

The Hahn family has always believed that the Bible is the inspired, infallible, and authoritative written Word of God, the one and only external God.

Found in the Bible, Exodus 20:13 (NIV) as one of the "Ten Commandments", God commands, "You shall not murder".

Found in the Bible, Psalms 139:13–16 (NIV), the writer acknowledges God in how he was made and says... "[13]For you created my inmost being; you knit me together in my mother's womb. [14]I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well. [15]My frame was not hidden from you when I was made in the secret place, when I was woven together in the depths of the earth. [16]Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be."

The Hahn Family has always believed that human life begins at conception (at the instant where an egg and sperm unite) and that it is a sacred gift from God and only God has the right to terminate human life. Therefore it is against our moral conviction to be involved in the termination of human life through abortion, suicide, euthanasia, murder, or any other acts that involve the deliberate taking of human life.

Summary of Benefits

Prescription drug benefits are provided for covered drugs as described below.

Prescription Drug Benefits	Retail Pharmacy In-Network	Mail Service Pharmacy In-Network
Pharmacy Network	Premier	Medco Pharmacy
Benefit Period	Calendar Year	
Deductible (per benefit period)	None	None
Out of Pocket Limit	Not Applicable	
Generic Prescription Drug	80% plan payment level – based on the provider's allowable price	$15 copayment
Brand Formulary Prescription Drug	75% plan payment level – based on the provider's allowable price	$50 copayment
Brand Non-Formulary Prescription Drug	50% plan payment level – based on the provider's allowable price	$100 copayment
Formulary[]	Incentive	

Generic Substitution (*Soft*)	When you purchase a brand drug that has a generic equivalent you will be responsible for the brand drug copayment plus the difference in cost between the brand and generic drugs, unless your physician requests that the brand name drug be dispensed.	
Claim Submission	Pharmacy Files at Point-of-Sale	
Non-Network Pharmacy	Not Covered	Not Covered
Minimum/Maximum		
Minimum Generic Formulary Coinsurance	$5 payment per prescription	None
Minimum Brand Formulary Coinsurance	$20 payment per prescription	None
Minimum Brand Non-Formulary Coinsurance	$40 payment per prescription	None
Maximum Generic Formulary Coinsurance	$25 payment per prescription	None
Maximum Brand Formulary Coinsurance	$75 payment per prescription	None
Maximum Brand Non-Formulary Coinsurance	$100 payment per prescription	None

Preventive Medications	
Preventive Covered Drugs[]	Deductibles, coinsurance and/or copayments do not apply
Prescription Drug Categories	
Contraceptives (oral and injectable)	Covered – with Prior Authorization
Fertility Agents	Not Covered
Fluoride Products	Covered
Insulin and Diabetic Supplies	Covered

What is Not Covered

Except as specifically provided in this program or as Highmark is mandated or required to provide based on state or federal law, no benefits will be provided for services, supplies, prescription drugs or charges:

Key Word	Exclusion
Allergy Testing	• For allergy testing, except as provided herein;
Ambulance	• For ambulance services, except as provided herein;
Assisted Fertilization	• Related to treatment provided specifically for the purpose of assisted fertilization; including pharmacological or hormonal treatments used in conjunction with assisted fertilization;
Comfort/ Convenience Items	• For personal hygiene and convenience items such as, but not limited to, air conditioners, humidifiers, or physical fitness equipment, stair glides, elevators/lifts or "barrier-free" home modifications, whether or not specifically recommended by a professional provider;
Contraception Medications, Devices and Implants	• For contraceptive services, including contraceptive devices, implants and injections, and all related services except when prescribed for purposes other than birth control.

Cosmetic Surgery	• For operations for cosmetic purposes done to improve the appearance of any portion of the body, and from which no improvement in physiological function can be expected, except as otherwise provided herein. Other exceptions to this exclusion are: a) surgery to correct a condition resulting from an accident; b) surgery to correct a congenital birth defect; and c) surgery to correct a functional impairment which results from a covered disease or injury;
Court Ordered Services	• For otherwise covered services ordered by a court or other tribunal unless medically necessary and appropriate or if the reimbursement of such services is required by law;
Custodial Care	• For custodial care, domiciliary care, residential care, protective and supportive care including educational services rest cures and convalescent care;
Dental Care	• Directly related to the care, filling, removal or replacement of teeth, the treatment of injuries to or diseases of the teeth, gums or structures directly supporting or attached to the teeth. These include,

	but are not limited to, apicoectomy (dental root resection), root canal treatments, soft tissue impacts, alveolectomy and treatment of periodontal disease, except for dental expenses otherwise covered because of accidental bodily injury to sound natural teeth and for orthodontic treatment for congenital cleft palates as provided herein;
Effective Date	• Rendered prior to your effective date of coverage;
Enteral Formulae	• For the following services associated with the additional

In addition, under your Prescription Drug benefits, except as specifically provided in this program or as Highmark is mandated or required to provide based on state or federal law, no benefits will be provided for:

Prescription Drugs (Drug Program)	• Services of your attending physician, surgeon or other medical attendant • Prescription drugs dispensed for treatment of an illness or an injury for which the group is required by law to furnish hospital care in whole or in part—including, but not limited to, state or federal workers' compensation laws

and occupational disease laws and other employer liability laws;

- Any prescription drugs or supplies purchased at or dispensed by a non-participating pharmacy provider;
- Any prescription drug purchased through mail order but not dispensed by a designated mail order pharmacy provider
- Any amounts you are required to pay directly to the pharmacy for each prescription order or refill;
- For any prescription drug which has been disallowed under the prescription drug management section of this booklet;
- Prescription drugs to which you are entitled, with or without charge, under a plan or program of any government or governmental body;
- Charges for a prescription drug when such drug or medication is used for unlabeled or unapproved indications where such use has not been approved by the Food and Drug Administration (FDA);

- Any prescription for more than the retail days supply or mail service days supply as outlined in the Summary of Benefits;
- Any drug or medication except as provided for herein;
- Any drug or medication which does not meet the definition of covered maintenance prescription drug, except those set forth in the predefined preventive schedule. Please refer to the Covered Drugs section for more information;
- Any charges by any pharmacy provider or pharmacist except as provided herein;
- Allergy serums;
- Hair growth stimulants;
- Food supplements;
- Immunizations and biological;
- Any drugs used to abort a pregnancy;
- Any drugs requiring intravenous administration, except insulin and other injectables used to treat diabetes;
- Charges for therapeutic devices or appliances (e.g., support garments and other non-medicinal substances)
- Any drugs and supplies that can be purchased without a

prescription order including but not limited to blood glucose monitors and injection aids, unless otherwise specified herein;

- Charges for administration of prescription drugs and/or injectable insulin whether by a physician or other person;
- Any prescription drug which is experimental/investigative;
- Blood products;
- Antihemophilia drugs;
- Any drugs prescribed for cosmetic purposes only;
- For contraceptive prescription drugs except when prescribed for purposes other than birth control.
- Fertility drugs;
- Weight control drugs;
- Over-the-counter drugs, except those set forth in the predefined preventive schedule. Please refer to the Covered Drugs section for more information.
- Smoking cessation products, except those set forth in the predefined preventive schedule. Please refer to the Covered
- Drugs section for more information;

- Prescription vitamins, except for vitamins prescribed during pregnancy and fluoride legend vitamins;
- Impotency treatment drugs;
- Any selected diagnostic agents;
- Prescription drugs and supplies that are not medically necessary and appropriate or otherwise excluded herein.